

DEC 21 2004

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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

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TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

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December 21, 2004

FACSIMILE COVER SHEET

To: Examiner Jeffrey R. Swearingen
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 09/845,933
Filed: April 30, 2001
Applicant: Bruce Leroy Beukema et al.
Art Unit: 2143
Confirmation No.: 3353
Our Ref: IBM/187

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of
Facsimile Transmission (2 pages)
Response (8 pages)

Pages: 11 (including cover sheet)

**MESSAGE/COMMENTS
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (11 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Jeffrey R. Swearingen, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on December 21, 2004.

Judith L. Volk
Judith L. Volk

December 21, 2004
Date

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Att'y Docket No. IBM/187/124
Confirmation No. 3353**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk
Judith L. Volk

December 21, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce Leroy Beukema et al. Art Unit: 2143
Serial No.: 09/845,933 Examiner: Jeffrey R. Swearingen
Filed : April 30, 2001
For : PRIMITIVE COMMUNICATION MECHANISM FOR ADJACENT NODES IN
A CLUSTERED COMPUTER SYSTEM

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. ☒ Transmitted herewith is a Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:		At Rate: Amount:
Total Claims	22	minus	22	0	\$50	\$0.00
Independent Claims	4	minus	4	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

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Serial No. 09/845,933
Transmittal for Response of December 21, 2004
IBM Docket: ROC920010009US1
WH&E IBM/187

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$_____

Method of Payment:

Check enclosed in the amount of \$_____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

For Scott A. Stinebruner 36,023
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Confirmation No. 3353

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce Leroy Beukema et al. Art Unit: 2143
Serial No.: 09/845,933 Examiner: Jeffrey R. Swearingen
Filed: April 30, 2001 Atty. Docket No.: IBM/187
For: PRIMITIVE COMMUNICATION MECHANISM FOR ADJACENT
NODES IN A CLUSTERED COMPUTER SYSTEM

RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in reply to the Office Action dated September 24, 2004, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 1, 6-8, 10, 15, 20 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,918,686 to Hayashi et al. In addition, claims 2-5, 11-14 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi et al. in view of U.S. Patent No. 6,721,273 to Lyon; claims 16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi et al. and further in view of Murthy et al. (A 2Kx1K Space Switch ASIC for Use in Digital Exchanges, VLSI Design, 1994, Proceedings of the Seventh International Conference on 5-8 Jan. 1994, Pages 247-250) (hereinafter, "Murthy"); claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi et al. and further in view of Peter Norton's Inside the PC (Eighth Edition, Indianapolis: Sams, 1999, p. 165) (hereinafter, "Norton"); claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over

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Response dated December 21, 2004
Reply to Office Action of September 24, 2004
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